IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3103 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KISHORSINH UDESINH SHAH

Versus

STATE OF GUJARAT

Appearance:

MR JB PARDIWALA for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

ORAL JUDGEMENT

#. FIR No.105/95 dated 7.6.95 was filed by Deputy Executive Engineer for the alleged incident dated 7.7.81 against three accused persons for the offences punishable under Section 120-A, 378, 410, 415, 420 and 441 of Indian Penal Code before the Umergam police Station, District

Valsad stating that the accused persons committed trespass over the Government land and made the encroachment. It is a brief complaint. I would like to reproduce the same, which is as under :-

xVwbQl,
xVu.xiX. xCmUwi.xgwbm,
xCnZbFkZ xVudmi xiwLrgU,
xCnZbFkZ.

xQk.7-6-95

xflha : xJm.xCkCm.xNm.xim. xUk xDXJkZkB xiwRkVmQ xRard
xibDkbm xJZmU xCnVb xZkdmDm xjDD xflUk
xXlUCTlDpQ xCQmDwbZP xDbfk xXkXQUm xWbmakS.

xZjuSa xgwbm,

xZuJr xWPik xFkZUm xibwfr xUBXb 433/1, 445, 544, 446/5,
446/5 " xibwfr xUBXb xfkem xIr. xJZmU xJr xibDkbm xfikjQuUu xjliwiu xIr.
xJZmUUu xDXJu xQk.7-7-81 xCr xZreffkZkB xCkfrd xIr. xCkRm xJZmU xXmJk
xDuCmVP xXuJk xbjmQ xibDkbgwbmUk xDXJkZkB xiwRkVmQ xRka xIr.

xiSbjn xJZmU xUlFZ xZkdmDmUm xJZmU xIr. xCkRm xCkfn xiwRkU xCnVb

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xCZpQdkd xCr xiSbjn xUlFZ xUm xZkdmDm xUm xJZmU xXmUCTlDpQ xbmQr xDXJr xDbrd
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xibDkbm xJZmU xCnVb xCVwbZkPmDQkRm xSFkVnfsxD xZkdmDm xjDD xflUk xXmUCTlDpQ
xCQmDwbZP xDbrdxIr. xCUr xgwbm. xDlgubHBSwb xCnSrilBj, xZUubZkXrU xjBibkJ,@Cn
rilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXr
xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSri
Bj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU x
BibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj
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ZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,C
nSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZk
rU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnS
ilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@CnSrilBj, xZUubZkXrU

xjBibkJ,@CnSrilBj, xZUubZkXrU xjBibkJ,@Cbfm
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xZUinEdkd xCZpQdkdUu xiSbjn xUlFZUm xibDkbm xJZmU xUlFZUr xIrQbmUr
xCVwbZkPmDQkRm xCQmDwbZP xDbmUr xVHkfm xVkNrd xIr.

xCkZ xgwbm. xDlgubHBSwb xCnSrilBj, xZUubZkXrU xjBibkJ, xZUinEdkd
xCZpQdkd xYkbQma xSBN xiBjlQkUm xDdZ-120-xCr, 378, 410, 415, 420,
441 xUu xYBF xDbrd xIr.

xCkZx xgwbm xDlgrbHBSwb xCnSrilBj, xZUubZkXrU xjBibkJ, xZUinEdkd
xCZpQdkdUu xiSbjn xDkasx xYkbQma xSBN xiBjlQkUm xJuFfkCmCu xCUr xXmJk xiBXBGmQ
AAAAAAAAAAAAAAAAA

#. Apart from the fact that the complaint was filed almost after a period of 14 years of the commission of the alleged offence, a bare look at the complaint shows that no offence whatsoever has been committed by the accused persons including the present complainant. It would be abuse of process of law if the police investigate into such a complaint. In view of the above discussion, this petition is allowed and FIR No.105/95 filed before the Umergam Police Station against the accused persons, including the present accused, is hereby quashed. Rule is made absolute. Interim relief granted, if any, stands vacated.

(B.J.Shethna, J.)

*Pvv